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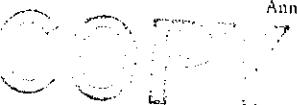
Carol Wilson Spigner

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July 7, 2005

**VIA FAX – (601) 352-7757
and REGULAR MAIL**

Ms. Betty Mallett
Mr. Rusty Fortenberry
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar Street
Jackson, MS 39201



Re: *Olivia Y. et al. v. Barbour et al.*

Dear Ms. Mallett and Mr. Fortenberry:

I understand that you plan to supplement your document production to Plaintiffs with additional responsive documents to Plaintiffs' First Request for Production of Documents on or before July 14, 2005. Please be sure to include in this supplemental production the following documents identified by Defendants' employees at depositions.

Document Request No. 2: All written policies, procedures and directives in your possession, custody or control, issued by DFCS at the state and regional level and in effect as of March 30, 2004, or thereafter, that relate to protecting and providing services to children in DHS custody, including but not limited to such policies, procedures and directives....

In response to this request Defendants produced the DFCS Policy and Procedures Manual. Gail Young, however, testified at her June 15, 2005 deposition to the existence of a Policy Bulletin dealing primarily with the length of stay in shelters that was sent around September 2004 to Regional Directors, Area Social Worker Supervisors, and Social Workers. [Young Dep., at 110:2 – 112:4.] Ms. Young further testified to the existence of at least one other version of the Policy Bulletin. [Young Dep., at 115:21 – 116:14.] Please provide all Policy Bulletins updating DFCS policy.

Document Request No. 6: All documents in your possession, custody or control regarding the progress in achieving full MACWIS integration into county casework such as described on page 22 of the Self Assessment.

In response to this request Defendants produced, *inter alia*, the MACWIS Technical Workplan for Changes and Enhancements covering November 2004 – January 2005. In addition, however, Nancy Meadors testified at her May 2005 deposition that Cheryl Joiner and MIS Director Bud Douglas developed a "MACWIS Work Plan." [Meadors Dep., at 21:7-22:22.] Please produce this additional responsive document.

Document Request No. 7: All regular or ad hoc management reports in your possession, custody or control, generated by MACWIS including but not limited to....

EXHIBIT



404 Park Avenue South, New York, NY 10016

Tel: 212-683-2210 • Fax: 212-683-4015 • info@childrensrights.org • www.childrensrights.org

In response to this request Defendants produced several reports regarding children in DHS custody. In addition, however, Robert Hamrick testified at his June 20, 2005 deposition that he receives "Children in Custody with Conference Dates More than Six Months," reports as part of his foster care review oversight. [Hamrick Dep., at 52:11-53:22.] Please produce this responsive document.

Document Request No. 8: All internal and external assessments, audits, evaluations or reviews of DFCS operations and practice in your possession, custody or control, including but not limited to documents generated by the Quality Improvement Unit, 6-month reviews, Peer reviews, Program Integrity Unit Reviews and all documents regarding any response, corrective action or "action plan" requested or undertaken in relation to those assessments, audits, evaluations and reviews.

In response to this request Defendants produced several periodic reports on DFCS operations. In addition, however, Robert Hamrick testified at his June 20, 2005 deposition that he and a team of reviewers and a consultant developed a Foster Care Reviewer Quality Assurance Sample Case Review that was originally intended for the Child and Family Services Review but was never used for that purpose. Mr. Hamrick stated that from these reviews, Quarterly Reports were compiled and forwarded to Senior Management and Directors within DFCS, and that these reports include data on safety, permanency, and well-being issues facing children in care. [Hamrick Dep., at 75:17-79:17.]

Mr. Hamrick further testified at his June 20, 2005 deposition that he receives an "Itemized Issues Observed" report that provides a summary of the number of DHS cases reviewed broken down by issues identified during the course of the review. [Hamrick Dep., at 105:12-107:10.] Please produce these responsive documents.

Document Requests Nos. 21 through 23: All documents in your possession, custody or control, reflecting the turnover and vacancy rates for DFCS caseworkers, managers and supervisors; All documents in your possession, custody or control concerning DFCS caseworker caseloads, staffing to census ratios, and adequate staffing estimates, such as discussed on pages 12-15 of the Self-Assessment; and Documentation regarding staffing cutbacks, hiring freezes or temporary assignments at DFCS.

In response to these requests Defendants produced a limited number of charts and employee reports and a listing of Direct Services Cases by County. In addition, however, Mechille Henry testified at her September 9, 2004 deposition that as Regional Director for Region 6 North, she receives memoranda from her staff regarding staffing requirements. [Henry Dep., at 117:2-117:10.] Since these documents and any similar documents received by other Regional Directors are directly responsive to Document Request Nos. 21 and 22, please produce these responsive documents.

Linda Millsaps also testified at her June 2005 deposition to the existence of both a MACWIS-generated Workload Report and similar paper files referred to as "Manual Workload Reports." [Millsaps Dep., at 50:9-52:5.] These documents are responsive to Document Request Nos. 21 and 23 and should be produced.

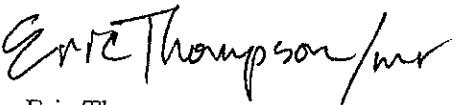
Nancy Meadors also testified in her May 2005 deposition to the existence of paper requests issued to Gloria Salters at the State Office to have workers logged in as proxies for other workers in specific counties, so that they can document their activities while temporarily assigned to particular children. [Meadors Dep., at 48:1-48:16.] These requests are directly responsive to Document Request No. 23 and should be produced.

Document Request No. 35: Any and all documents relating to child maltreatment reports, child abuse and neglect investigations, critical incident reports, child fatality reports or special reviews regarding the abuse or neglect of children in DHS custody or of children in homes or facilities where children in DHS custody reside, including facilities not licensed by DHS.

In response to this request Defendants produced a limited number of documents including a tally of children maltreated while in custody. Kathy Triplett, however, testified at her June 14, 2005 deposition that she receives reports of abuse and neglect via email, forwarded by the MIS Department. [Triplett Dep., at 31:11-33:21.] She further testified to the existence of forms filled out by the Protection Unit documenting calls received by DFCS staff regarding abuse and neglect allegations and that these forms are tracked in a "Manual Log." She further stated that the forms are kept for three years and that the Manual Log is retained by the hotline staff in the State Office. [Triplett Dep., at 31:11-33:21.] To the extent that these documents relate to children in DHS custody or in homes or facilities where children in DHS custody reside, please produce these additional responsive documents. I attach the deposition excerpts referenced herein for your convenience.

Many of these documents were specifically requested during the referenced depositions. I look forward to receiving these documents by July 14th or shortly thereafter.

Sincerely Yours,



Eric Thompson
Plaintiffs' counsel

Enclosures

cc: Stephen Leech, Esq.
Wayne Drinkwater & Melody McAnally, Bradley Arant
John Lang, Loeb & Loeb

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI 3 JACKSON DIVISION</p> <p>4 OLIVIA Y., ET AL, 5 Plaintiffs</p> <p>6 V. CIVIL ACTION NO. 3:04CV251LN 7 HALEY BARBOUR, ET AL, 8 Defendants.</p> <p>10 DEPOSITION OF GAIL YOUNG</p> <p>11 Taken at the law offices of Bradley, 12 Arant, Rose & White, located at One 13 Jackson Place, 188 E. Capitol Street, Suite 450, on Wednesday, June 15, 2005, beginning at 8:33 a.m.</p> <p>14</p> <p>15 REPORTED BY:</p> <p>16 SANDI L. SUAREZ, RPR, CSR #1301 State-Wide Reporters, A LegalLink Company Post Office Box 14113 (39236) 4400 Old Canton Road, Suite 160 Jackson, Mississippi 39211 Telephone: (601) 366-9676 Fax: (601) 366-9756</p> <p>21 Biloxi Office: 764 Water Street Biloxi, Mississippi 39530 Telephone: (228) 432-0770 Fax: (228) 432-0690</p> <p>24 1(800)372-DEPO 25 www.legalink.com</p>	<p>Page 1</p> <p>1 INDEX</p> <p>2 WTNESS: Gail Young PAGE:</p> <p>3 EXAMINATION BY:</p> <p>4 Ms. Crean 6</p> <p>5 EXHIBITS</p> <p>6 Exhibit No. 69, 10 Individual Service Plan, Bates No. NP 4560 through 4563.</p> <p>7 Exhibit No. 70, 12 Policy Pages From Volume IV Manual</p> <p>8 Exhibit No. 71, 19 Mississippi Department Of Human Services, Office Of Social Services, Custody Case Plan</p> <p>9 Exhibit No. 72, 42 Policy Manual Page, Bates Stamped DHS 418</p> <p>10 Exhibit No. 73, 50 Service Plan, Bates Stamped NP 3421 and 3422</p> <p>11 Exhibit No. 74, 52 From 445 Service Plan, Bates Stamped NP 3424</p> <p>12 Exhibit No. 75, 53 Form 446A, Case Service Plan Supplement, Bates Stamped NP 3425</p> <p>13 Exhibit No. 76, 74 Issues Observed During The Foster Care Review, Bates Stamped DHS 14050</p> <p>14 Exhibit No. 77, 81 Policy Manual Excerpts, Bates Stamped DHS 363 Through DHS 402</p>
<p>1 APPEARANCES:</p> <p>2 TARA S. CREAN, ESQUIRE ERIC E. THOMPSON, ESQUIRE Children's Rights 404 Park Avenue South New York, New York 10016 Telephone: (212) 683-2210 ATTORNEY FOR PLAINTIFFS</p> <p>6 BETTY A. MALLETT, ESQUIRE McGlinchey Stafford, PLLC 8 Skycel Centre South, Suite 1100 200 South Lamar Street 9 Jackson, Mississippi 39201 Telephone: (601) 960-8400 10 ATTORNEY FOR DEFENDANTS</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 INDEX (Continued):</p> <p>2 Exhibit No. 78, 115 Policy Manual Pages</p> <p>3 Stipulations 5</p> <p>4 Certificate of Reporter 149</p> <p>5 Errata Sheet 150</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 5</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by and 3 between the parties hereto, through their respective 4 attorneys of record, that this deposition may be 5 taken at the time and place hereinbefore set forth, 6 by SANDI L. SUAREZ, RPR, CSR, Court Reporter and 7 Notary Public, pursuant to the Federal Rules of 8 Civil Procedure, as amended;</p> <p>9 That the formality of READING AND SIGNING is 10 specifically RESERVED;</p> <p>11 That all objections, except as to the form of 12 the questions and the responsiveness of the 13 answers, are reserved until such time as this 14 deposition, or any part thereof, may be used or is 15 sought to be used in evidence.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 deposition include that you have to give answers 2 orally so that the court reporter can take them 3 down?</p> <p>4 A. Yes.</p> <p>5 Q. And do you agree that if there's any 6 question that you don't understand, you can tell me, 7 and I can rephrase it to make it clear?</p> <p>8 A. Yes.</p> <p>9 Q. And if you don't ask me to rephrase it, 10 then is it fair for me to assume that you understand 11 the question?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Let's begin.</p> <p>14 Ms. Young, I'm handing you a document that 15 has been previously marked Exhibit 68. Do you 16 recognize this document?</p> <p>17 A. Yes.</p> <p>18 Q. And this document is the 30(b)(6) notice 19 of deposition; is that correct?</p> <p>20 A. That's what it says, yes.</p> <p>21 Q. And you understand that the division of 22 children and family services has designated you as 23 the person with knowledge as to all topics except 24 for Topic 9 listed in Exhibit A?</p> <p>25 (Witness and Ms. Mallett confer.)</p>
<p style="text-align: right;">Page 6</p> <p>1 GAIL YOUNG,</p> <p>2 Having been produced and first duly sworn, was 3 examined and testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MS. CREAN:</p> <p>6 Q. Ms. Triplett (sic), I'm Tara Crean, and 7 I'm here with Eric Thompson. We're attorneys with 8 Children's Rights. We represent the plaintiffs in 9 the matter of Olivia Y. versus Barbour.</p> <p>10 Ms. Triplett (sic), you've taken --</p> <p>11 MS. MALLETT:</p> <p>12 That's not Ms. Triplett.</p> <p>13 MS. CREAN:</p> <p>14 I'm sorry. Good morning. Ms. Young, I'm 15 sorry.</p> <p>16 THE WITNESS:</p> <p>17 Should I go call her?</p> <p>18 BY MS. CREAN:</p> <p>19 Q. Ms. Young, you've taken the oath to tell 20 the truth in today's testimony; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. You've given depositions before in this 23 matter; is that correct?</p> <p>24 A. That's right.</p> <p>25 Q. You remember that the ground rules for the</p>	<p style="text-align: right;">Page 8</p> <p>1 MS. CREAN: 2 Would you just make your statements to the 3 witness on the record, please?</p> <p>4 MS. MALLETT: 5 No. She's my client. I'm talking to her 6 as her attorney.</p> <p>7 MS. CREAN: 8 The question is pending.</p> <p>9 MS. MALLETT: 10 I understand that. She's going over the 11 list, and I'm just going over the list with her.</p> <p>12 MS. CREAN: 13 Are you conferring with her about 14 privileged matters?</p> <p>15 MS. MALLETT: 16 Yes.</p> <p>17 BY MS. CREAN: 18 Q. Is there something you don't understand 19 about what is privileged?</p> <p>20 A. I understand.</p> <p>21 Q. So you can answer the question.</p> <p>22 A. I was trying to see if there was the one 23 about the contract still on here.</p> <p>24 MS. MALLETT: 25 You can just explain that to her.</p>

<p style="text-align: right;">Page 9</p> <p>1 THE WITNESS: 2 Okay. 3 BY MS. CREAN: 4 Q. Do you have knowledge as to the topics 5 listed in Exhibit A except for Topic No. 9? 6 A. Yes. 7 Q. And you mentioned something on the record 8 about trying to explain the one about the contracts. 9 What did you mean by that? 10 A. Well, we do have another unit that does 11 handle the actual contract process. 12 Q. And which topic are you referring to in 13 Exhibit 68? 14 A. No. 8. No. 8. 15 Q. Do you have knowledge as to the topic 16 listed in No. 8? 17 A. I have some knowledge, but the actual 18 processing is done by another unit. 19 Q. And what unit is that? 20 A. That's the administration unit. 21 Q. And who is the person who heads the 22 administration unit? 23 A. Theresa Jackson. 24 Q. Does Theresa Jackson have more knowledge 25 than you about the topic listed in number – the</p>	<p style="text-align: right;">Page 11</p> <p>I is Jameson. So for purposes of the deposition, to 2 preserve his privacy, do you agree to call him 3 Jameson? 4 A. Jimison? 5 Q. Jameson. 6 A. Jameson. 7 (Witness and Ms. Mallett confer.) 8 MS. CREAN: 9 Again, I'm going to have to ask you to 10 make your comments while the question is pending on 11 the record. 12 MS. MALLETT: 13 I'm her attorney. I can counsel with her. 14 A. I don't have personal knowledge of this 15 particular child. 16 BY MS. CREAN: 17 Q. Do you recognize this form? 18 A. I recognize that it is an individual 19 service plan or a case plan. I usually see it in 20 the MACWIS format. 21 Q. Are you finished with your answer? 22 A. Yes. 23 Q. How long has this particular form for an 24 individual service plan or a case plan been in use? 25 A. Since the implementation of MACWIS.</p>
<p style="text-align: right;">Page 10</p> <p>1 topics described in No. 8 of Exhibit A to the notice 2 of deposition? 3 A. I think she or one of her staff members 4 would have more knowledge about the actual 5 processing of the contracts. 6 Q. Is there a particular staff member that 7 you're thinking would have more knowledge about 8 Topic A than you? 9 A. Janice Gresham. 10 Q. Janice Thresham? 11 A. Gresham, G-R-E-S-H-A-M. 12 MS. CREAN: 13 Will you please mark this as Exhibit 14 No. 69. 15 (Exhibit No. 69 was marked.) 16 BY MS. CREAN: 17 Q. Ms. Young, you have before you an exhibit 18 that's been marked Exhibit 69, Bates stamped Named 19 Plaintiffs -- or NP 4560 through 4563. 20 This is the individual service plan for a 21 child, is it not? 22 A. Yes, it is. 23 Q. And, in this case, we call our named 24 plaintiffs by the pseudonyms they've been designated 25 by in this case. And the pseudonym for this child</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Which was in 2001? 2 A. I think it was around October of 2001. 3 Q. Does the division retain hard copies of 4 this form that's filled out on MACWIS? 5 A. I do not have knowledge of that. 6 Q. Is this form called both an individual 7 service plan and a custody case plan? 8 A. Yes, it would be. 9 Q. So, an ISP and a case plan are the same 10 thing? 11 A. A child's ISP, yes. A custody case plan 12 would be the same thing. 13 Q. Ms. Young, I'm going to show you a 14 document that has been previously marked as Exhibit 15 40. It is Bates stamp DHS 430 through 433. 16 Do you recognize this document? 17 A. Yes, I do. 18 Q. Do you recognize it as portions of the 19 policy manual? 20 A. Yes, it is. 21 MS. CREAN: 22 Would you please mark this as 70. 23 (Exhibit No. 70 was marked.) 24 BY MS. CREAN: 25 Q. And do you recognize these pages?</p>

<p style="text-align: right;">Page 109</p> <p>1 to monitor those.</p> <p>2 Q. And what is that MACWIS report called?</p> <p>3 A. Shelter -- children in shelter report, I</p> <p>4 guess. I'm not real sure what the name of it is.</p> <p>5 Q. And how often is that MACWIS report run?</p> <p>6 A. I don't know. I think monthly.</p> <p>7 Q. And is your testimony that they started</p> <p>8 running that MACWIS report this year, 2005?</p> <p>9 A. It's my understanding, yes.</p> <p>10 Q. And you first discussed the need to</p> <p>11 monitor the placement of children in shelters with</p> <p>12 Sue Perry when she was your supervisor. And when</p> <p>13 did she cease being your supervisor?</p> <p>14 A. I can't recall. It was two years ago.</p> <p>15 Q. Do you review this MACWIS report on</p> <p>16 shelter care?</p> <p>17 A. I do not receive that report.</p> <p>18 Q. How many discussions did you have with</p> <p>19 Billy Mangold about the overreliance on shelters?</p> <p>20 A. Probably not that many because he hasn't</p> <p>21 been the division director or wasn't the division</p> <p>22 director very long out of here.</p> <p>23 Q. You said probably not that many</p> <p>24 conversations with Mr. Mangold about overreliance on</p> <p>25 shelters. Did you have more than one conversation</p>	<p style="text-align: right;">Page 111</p> <p>1 to the length of time in the shelters.</p> <p>2 Q. And do you have any facts that would lead</p> <p>3 you to believe that the length of time in shelters</p> <p>4 is decreased since this September 2004 memorandum</p> <p>5 was disseminated to regional directors?</p> <p>6 A. I don't have facts or anything to base</p> <p>7 that decision on.</p> <p>8 Q. This September 2004 memorandum from you</p> <p>9 and Mr. Mangold, it was sent to regional directors;</p> <p>10 is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Was it sent to anybody else?</p> <p>13 A. I'm thinking area -- probably everyone,</p> <p>14 every area social work supervisors and social</p> <p>15 workers. It was, if I'm not mistaken, a policy</p> <p>16 bulletin.</p> <p>17 MS. CREAN:</p> <p>18 Ms. Mallett, I would call for the</p> <p>19 production of this policy bulletin. I believe it is</p> <p>20 responsive to requests that we've propounded on you</p> <p>21 in our request for production.</p> <p>22 MS. MALLETT:</p> <p>23 Okay. Do you know which request you would</p> <p>24 have asked for that?</p> <p>25 MS. CREAN:</p>
<p style="text-align: right;">Page 110</p> <p>1 with Mr. Mangold about overreliance of shelters?</p> <p>2 A. Probably what I do remember is that we did</p> <p>3 generate a memorandum out to the regional directors.</p> <p>4 Q. And has that memorandum, in fact, been</p> <p>5 distributed to regional directors?</p> <p>6 A. Yes, it was.</p> <p>7 Q. And when was it distributed?</p> <p>8 A. I can't recall. I mean, it primarily was</p> <p>9 dealing with the length of time in a shelter, I</p> <p>10 believe is the way it came out. I believe it</p> <p>11 was around September of 2004, is when it was sent</p> <p>12 out.</p> <p>13 Q. And who was involved in creating that</p> <p>14 memorandum?</p> <p>15 A. Myself and Mr. Mangold.</p> <p>16 Q. Were you and Mr. Mangold listed as the</p> <p>17 authors on that memorandum?</p> <p>18 A. I would think so, yes.</p> <p>19 Q. And what is the approximate date of that</p> <p>20 memorandum?</p> <p>21 A. September 2004.</p> <p>22 Q. Have you had any discussions about that</p> <p>23 memorandum since it was disseminated?</p> <p>24 A. There was discussions about the content of</p> <p>25 the memorandum. And like I say, it primarily refers</p>	<p style="text-align: right;">Page 112</p> <p>1 We can go check letter. I don't know off</p> <p>2 the top of my head.</p> <p>3 MS. MALLETT:</p> <p>4 Just send me a note about it.</p> <p>5 MS. CREAN:</p> <p>6 I need more than one actually, but I'm</p> <p>7 happy to memorialize the request and follow-up</p> <p>8 correspondence.</p> <p>9 BY MS. CREAN:</p> <p>10 Q. And why was the length of stay in shelters</p> <p>11 a topic that you and Mr. Mangold were motivated to</p> <p>12 write a memo to everyone about?</p> <p>13 A. I can't really recall, but I think we had</p> <p>14 probably observed some of the foster care review</p> <p>15 reports where children had stayed longer than 45</p> <p>16 days.</p> <p>17 Q. If you could please turn to exhibit -- if</p> <p>18 you would please turn to Exhibit 77, the page that's</p> <p>19 been Bates stamped DHS 371.</p> <p>20 A. (Witness complies.)</p> <p>21 Q. At the bottom of page 371, the policy</p> <p>22 manual states that children's stays in the shelters</p> <p>23 may be extended beyond the 45-day limit; is that</p> <p>24 correct?</p> <p>25 A. That's correct.</p>

<p style="text-align: right;">Page 113</p> <p>1 Q. Does the division do anything to monitor 2 how often children stay beyond the 45-day limit? 3 A. Again, I believe there is a MACWIS report 4 generated. 5 Q. But you have not reviewed that MACWIS 6 report? 7 A. I have not reviewed the report. 8 Q. Are stays beyond the 45 days in the 9 shelter of concern to the division? 10 A. Yes, it would be. 11 Q. And why is it perceived as a problem? 12 A. Because, again, we want to get children in 13 the most family-like setting. 14 Q. Do you review the foster care review 15 reports regularly? 16 A. I don't review the entire reports. I do 17 review the summaries that they generate. 18 Q. And with what frequency do you review 19 those summaries? 20 A. Whenever they generate the report. And 21 those are really just identifying the deficiencies. 22 Q. And what deficiencies have you seen 23 identified in the summaries of the foster care 24 reviews? 25 A. A wide variety of things such as -- some</p>	<p style="text-align: right;">Page 115</p> <p>1 A. The ones that I might have flagged would 2 be the independent living, the permanency plans, the 3 termination of parental rights issues, the 4 interstate compact issues. 5 Q. And what particular issues -- what 6 particular deficiencies did you flag with regard to 7 independent living? 8 A. Most of them are that the child is age 14 9 or over, and it's not documented that the child is 10 participating in independent living programs. 11 Q. Is it division policy that all foster 12 children age 14 and over should be participating in 13 independent living program services? 14 A. Yes. 15 MS. CREAN: 16 Please mark this as the next exhibit. 17 (Exhibit No. 78 was marked.) 18 MS. CREAN: 19 Here's a courtesy copy. This is yours. 20 BY MS. CREAN: 21 Q. Do you recognize Exhibit 78 as pages from 22 the policy manual? 23 A. Yes, I do. 24 Q. And do these pages contain the division's 25 policy on independent living services?</p>
<p style="text-align: right;">Page 114</p> <p>1 of them I flagged to program staff such as 2 independent living program participation, 3 visitation. 4 Q. Anything else? 5 A. Well, there are others. I just can't -- 6 can't recall without looking at a report. 7 Q. When you say "visitation," do you mean 8 visitation between caseworkers and children? 9 A. It could be any types of visitation, 10 parental visitation or worker visitation. 11 Q. And does it include visitation between 12 siblings? 13 A. Yes, sometimes it does. 14 Q. And you flagged the issue of caseworker 15 visits, and for whom have you flagged this? 16 A. Caseworker visits I don't flag. Those go 17 to the regional directors, and primarily it is a 18 tool for regional directors to use and comment back 19 as to their corrective action. And also understand 20 that some regions may have no deficiencies, so this 21 is not reflective of every case that they reviewed. 22 There are some that may not have any listed for a 23 certain month. 24 Q. And what deficiencies have you flagged for 25 others to pay attention to?</p>	<p style="text-align: right;">Page 116</p> <p>1 A. I believe there has been at least one 2 updated policy bulletin that did revise the age, 3 which is now 14. 4 Q. And are you referring to the section 5 titled, Eligibility on the page that's Bates stamped 6 DHS 504, the first page of Exhibit 78? 7 A. That's correct. 8 Q. Where it says that, Independent living 9 services are provided to all youth age 16 to 20? 10 A. That's correct. 11 Q. And is it your testimony that that has 12 been revised to provide services to all youth age 14 13 to 20? 14 A. That's correct. 15 Q. What was the reason for that change? 16 A. It came about as the Chaffee Grant program 17 allowed us to have that flexibility, and we decided 18 to start the program earlier for younger children. 19 Q. And why did you decide to start it for 20 14-year-olds rather than start with 16-year-olds? 21 A. Because it's our belief that the earlier 22 you start in preparing them for independence the 23 better. 24 Q. What specific skills are taught in 25 independent living program services?</p>

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 JACKSON DIVISION

Page 1

4
5 OLIVIA Y., et al.

PLAINTIFFS,

6

7 VS.

CIVIL ACTION NO. 3:04CV251LN

8

9 HALEY BARBOUR, et al.

DEFENDANTS.

10

11 30(b) (6) DEPOSITION OF NANCY MEADORS

12

13 Taken at the offices of Bradley, Arant, Rose & White, LLP,
14 on Tuesday, May 16, 2005, beginning at 8:40 A.M.

15

16

17

18 REPORTED BY:

19

REBECCA A. KIDDER

20

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	Page 2	
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2		
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<p>1 development?</p> <p>2 A. Yes.</p> <p>3 Q. Are you aware of any specific rollout date for</p> <p>4 full implementation of Title 4E eligibility information in</p> <p>5 MACWIS?</p> <p>6 A. No. It will be the same. The eligibility</p> <p>7 process and the placement process are being worked on</p> <p>8 simultaneously. So it would go on the same date.</p> <p>9 Q. So currently the Title 4E information is also</p> <p>10 collected by the eligibility unit; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And that's still a paper system?</p> <p>13 A. Yes. That's the 443 series that I mentioned.</p> <p>14 Q. Do they collect the information on the same</p> <p>15 forms?</p> <p>16 A. It's different forms. They have one for when the</p> <p>17 child is initially placed in custody where they answer these 4E</p> <p>18 eligibility questions. And then if there's a change, if it's in</p> <p>19 placement or if the child starts receiving income, something</p> <p>20 like that, then there's a change form that they use. There's</p> <p>21 also a re-determination form.</p> <p>22 Q. Having MACWIS be able to process board payments</p> <p>23 and Title 4E eligibility information, are those requirements,</p> <p>24 federal requirements, for SACWIS systems?</p> <p>25 A. Yes.</p>	<p>Page 18</p> <p>1 A. Yes.</p> <p>2 Q. Is there, to your knowledge, any MACWIS manual</p> <p>3 that sets out the information and screens that a social worker</p> <p>4 or case worker is required to enter into MACWIS?</p> <p>5 A. There is a user manual but it basically has</p> <p>6 instructions on this is the screen, these are the fields. It</p> <p>7 doesn't really tell them if this is a child in custody you do</p> <p>8 this or that kind of thing. No. It's just basic instruction</p> <p>9 for the screen or the tab.</p> <p>10 Q. Would a case worker then be expected to be</p> <p>11 referring to the policy manual in terms of what information</p> <p>12 needs to be entered into MACWIS?</p> <p>13 A. The policy and also they get information when</p> <p>14 they come for their MACWIS training.</p> <p>15 Q. That's part of the curriculum?</p> <p>16 A. Yes. The social worker intensive training; it's</p> <p>17 a four-week training. The last week is MACWIS.</p> <p>18 Q. As part of that training, is there any materials</p> <p>19 or handouts regarding what are the MACWIS requirements for data</p> <p>20 entry?</p> <p>21 A. They have a scenario that they go through, and</p> <p>22 they take the scenario back to the town with them.</p> <p>23 Q. Does MACWIS have any automatic prompts once a</p> <p>24 case file is opened in MACWIS?</p> <p>25 A. No; not yet. That is one of our changes that we</p>
<p>STATE-WIDE REPORTERS (228) 432-0770</p> <p>1 Q. So is it fair to say it's always been the</p> <p>2 plan that it's being incorporated into MACWIS?</p> <p>3 A. Yes.</p> <p>4 Q. Let me show you what's been previously marked</p> <p>5 Exhibit 42. Do you recognize these documents to be printouts of</p> <p>6 MACWIS screens?</p> <p>7 A. Yes.</p> <p>8 Q. You previously testified as to dealing with</p> <p>9 MACWIS user requirements.</p> <p>10 A. Yes.</p> <p>11 Q. Are there any particular screens in MACWIS that</p> <p>12 you have identified as creating user requirement problems or</p> <p>13 issues?</p> <p>14 A. No. Other than like I said, the eligibility is</p> <p>15 being reworked.</p> <p>16 Q. Are these the format of the screens that a social</p> <p>17 worker would be scrolling through when they have online access</p> <p>18 to MACWIS?</p> <p>19 A. Yes.</p> <p>20 Q. So these are the user screens that allow for</p> <p>21 entry of child and family information into MACWIS?</p> <p>22 A. Yes, but that's not all of them.</p> <p>23 Q. Is it the user who would have to pick and choose</p> <p>24 from the available menu what item they wanted to complete at the</p> <p>25 time?</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>	<p>Page 19</p> <p>1 plan to implement.</p> <p>2 Q. Is that also something that's being currently</p> <p>3 worked on?</p> <p>4 A. No.</p> <p>5 Q. Is there a timeline or a plan regarding</p> <p>6 development of that function?</p> <p>7 A. We have a work plan, and it is included in that</p> <p>8 work plan.</p> <p>9 Q. And when you say 'we' what would this work plan</p> <p>10 be called?</p> <p>11 A. The MACWIS Work Plan. It's developed by someone</p> <p>12 on the program side along with the lead person from MIS who is</p> <p>13 over the contractor.</p> <p>14 Q. And this leading person from MIS is within the</p> <p>15 division or a DHS MIS person?</p> <p>16 A. MIS, Management Information Systems, is a</p> <p>17 separate division of DHS.</p> <p>18 Q. Of DHS?</p> <p>19 A. Right.</p> <p>20 Q. Do you know the name of the director of MIS?</p> <p>21 A. Douglas Taylor.</p> <p>22 Q. So the MACWIS work plan would be a document that</p> <p>23 Mr. Douglas has developed?</p> <p>24 A. No.</p> <p>25 Q. Who has developed that document?</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>

<p>1 A. Cheryl Joyner who is our lead MIS person 2 on MACWIS.</p> <p>3 Q. Is he under the bureau of director in the 4 division for administration?</p> <p>5 A. No. She's a MIS employee. I'm not sure who her 6 immediate boss is, but Mr. Douglas is over MIS.</p> <p>7 Q. You mentioned some on-going issues in terms of 8 the completeness of information being entered into MACWIS by 9 case workers; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Can you tell me if you know what, if anything, 12 processes are in place to ensure the complete entry of 13 information in MACWIS?</p> <p>14 A. I'm not exactly sure what you're asking.</p> <p>15 Q. Let me try and rephrase it. Are you aware of how 16 the division is attempting to ensure that information is entered 17 into MACWIS consistently?</p> <p>18 A. Yes.</p> <p>19 Q. And what are those? What has been put in place?</p> <p>20 A. We have an advisory team that meets once a month. 21 During the meeting, we talk about changes that are needed for 22 the system. We have several changes that are on the work plan. 23 One of those changes is to sort of guide the worker when a child 24 comes in, or, actually, when a case is opened, when they are 25 completing the relationship screen, to guide them if there's a STATE-WIDE REPORTERS (228) 432-0770</p>	<p>Page 22</p> <p>1 screen out they have to select a reason for screening it 2 out. If it is screen in and becomes an investigation, then 3 there are certain fields on the investigation screen that they 4 have to complete. The findings for the allegation; they also 5 have to --. I think that's the only mandatory --. When they do 6 the finding they have to enter the date for the finding. Do you 7 want me to go through the whole system?</p> <p>8 Q. Let me ask you this: So as I understand it, 9 mandatory fields means that if there's no information entered in 10 the field, then is it the screen that can't be completed; is 11 that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Or if it's a report like the ISP, then it's the 14 document that can't be completed or printed out; is that 15 correct?</p> <p>16 A. The ISP is a screen, and they can't submit it to 17 the supervisor. The supervisor has to approve it. And there is 18 a document that prints out, but if they try to print before it 19 was completed then it would be incomplete.</p> <p>20 Q. Let me show you what's been previously marked 21 Exhibit 41. If you can refer to both Exhibit 41 and 42, in 42 22 we've got specific data fields on different MACWIS screens; 23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. On Exhibit 41, is this a template that would STATE-WIDE REPORTERS (228) 432-0770</p>
<p>1 child who came into custody to take them from the 2 relationship screen. They get a message. They will get a 3 message - it's not in yet - to tell them that they need to go to 4 the legal history tab and enter the custody. After that it's 5 done. It prompts them to go to the ISP screen which is the 6 individual service plan or case plan for the child; complete 7 that. It also prompts them to go to the eligibility screen, complete that, and to the placement screen to complete that.</p> <p>8 And we also have other changes that are: making 9 fields mandatory that are, for instance, AFGAR's requirements. 10 We have implemented some of those already. In the ISP we have 11 removal reasons, and if a child is in custody there has to be a 12 reason selected before they can submit the ISP to their 13 supervisor.</p> <p>14 Q. Are there any other mandatory fields currently in 15 MACWIS?</p> <p>16 A. We have several mandatory fields; yes.</p> <p>17 Q. Can you tell me what those are besides the 18 removal reasons that you know?</p> <p>19 A. Through the old system? We have lots of 20 mandatory fields. On the intake report there has to be a 21 county. They have to pick an intake type. They have to enter 22 the date and the time before they can save the intake. On that 23 same screen they have to enter at least one person on the intake 24 before they can submit it for screening. If they recommend 25 STATE-WIDE REPORTERS (228) 432-0770</p>	<p>Page 23</p> <p>1 appear on the case worker screen?</p> <p>2 A. No.</p> <p>3 Q. How would the information on Exhibit 41, the 4 youth court hearing and review summary form, be completed online 5 in MACWIS?</p> <p>6 A. The information is entered by the social worker 7 on a different screen. This particular printout is from our 8 county conference, and we have a county conference screen in 9 MACWIS that's completed by the foster care review person, the 10 county worker, and the county supervisor. Once it's completed 11 they print it out. It goes to the judge. But the information 12 such as the child's name is pulled from the different parts of 13 where it's entered in the system. They won't have to put this 14 in again. It just pulls it altogether.</p> <p>15 Q. Just to make sure I understand: The various data 16 pieces or entries that are reflected on the form in Exhibit 41 17 are populated electronically from screen entries made into 18 MACWIS via the screens that are reflected, for example, in 19 Exhibit 42?</p> <p>20 A. Yes.</p> <p>21 Q. So on a document like Exhibit 41 which reflects 22 information entered by the case worker, the foster care reviewer 23 --</p> <p>24 A. -- and the supervisor.</p> <p>25 Q. -- and the supervisor, all three of those STATE-WIDE REPORTERS (228) 432-0770</p>

<p>1 would fill out?</p> <p>2 A. Yes.</p> <p>3 Q. Is a case worker able to make entries on a</p> <p>4 child's MACWIS case record without being the assigned case</p> <p>5 worker identified in the system?</p> <p>6 A. They could add a narrative to the case.</p> <p>7 Q. Are they able to make any sort of any other data</p> <p>8 entries that are required of the ongoing case worker? Let me</p> <p>9 ask you a specific example. Would someone, other than the</p> <p>10 assigned case worker, be able to input updated information as to</p> <p>11 the child's placement, for example?</p> <p>12 A. No.</p> <p>13 Q. It would have to be the assigned case worker or</p> <p>14 the supervisor?</p> <p>15 A. Yes.</p> <p>16 Q. So a social work aid or SWA could not make those</p> <p>17 types of entries; correct?</p> <p>18 A. No.</p> <p>19 Q. Likewise, for a homemaker for example?</p> <p>20 A. No.</p> <p>21 Q. Both a homemaker and a SWA could make narrative</p> <p>22 entries in the case then?</p> <p>23 A. Yes.</p> <p>24 Q. In light of that, do you know how case recording</p> <p>25 is occurring in counties where there are no full-time case</p> <p style="text-align: right;">STATE-WIDE REPORTERS (228) 432-0770</p>	<p style="text-align: center;">Page 46</p> <p>1 A. They could be proxy. If there's a worker</p> <p>2 in the county, they can be proxy for that worker.</p> <p>3 Q. Can you explain what you mean by proxy?</p> <p>4 A. The supervisor and regional director have to make</p> <p>5 a request to the state office, to Ms. Saulters, for any proxy's</p> <p>6 that are put in the system. She decides, Ms. Saulters decides</p> <p>7 if it's a valid request. If it is, she enters the proxy</p> <p>8 information into the system which allows another worker to login</p> <p>9 as a proxy for the worker in the county and they have access to</p> <p>10 that worker's work load and can do work on the cases just like</p> <p>11 the case worker.</p> <p>12 Q. Are these requests for proxies made through the</p> <p>13 MACWIS system, or --</p> <p>14 A. No; paper.</p> <p>15 Q. -- is this a written request?</p> <p>16 A. Yes.</p> <p>17 Q. When a child is placed in a different county than</p> <p>18 the original county's responsibility, the county and the county</p> <p>19 office that has the child placed in their county is then</p> <p>20 responsible for certain ongoing services for the child; is that</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Hence the designation county of service?</p> <p>24 A. Yes.</p> <p>25 Q. Is a case worker in the county of service somehow</p> <p style="text-align: right;">STATE-WIDE REPORTERS (228) 432-0770</p>
<p>1 workers assigned?</p> <p>2 MS. LOWRY:</p> <p>3 I'm going to object to that.</p> <p>4 THE WITNESS:</p> <p>5 A. If there is no social worker working in the</p> <p>6 county that's assigned to the county then the regional director</p> <p>7 for that county would have another social worker from another</p> <p>8 county to fill in until a social worker was hired.</p> <p>9 MR. THOMPSON:</p> <p>10 Q. In terms of MACWIS case recording, a covering</p> <p>11 social worker would need to be formally designated then as the</p> <p>12 assigned case worker that; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Otherwise they could make any of these MACWIS</p> <p>15 entries besides narrative; is that correct?</p> <p>16 A. Right.</p> <p>17 Q. Are you aware that staff had been detailed from</p> <p>18 the state office to counties such as Forrest County for certain</p> <p>19 periods of time to assist with casework tasks there?</p> <p>20 A. Yes.</p> <p>21 Q. Would it be the same thing for those social</p> <p>22 workers regarding their ability during the time of their</p> <p>23 detailing to a county office such as Forrest County that they</p> <p>24 would need to be designated in MACWIS as the assigned case</p> <p>25 worker for cases on which they were covering?</p> <p style="text-align: right;">STATE-WIDE REPORTERS (228) 432-0770</p>	<p style="text-align: center;">Page 47</p> <p>1 assigned to that child?</p> <p>2 A. Yes.</p> <p>3 Q. Is that assignment also reflected in MACWIS?</p> <p>4 A. Yes. It's on the assigned transfer screen.</p> <p>5 Q. So the system allows for two case workers to be</p> <p>6 assigned at the same time to the child; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Does the system reflect or distinguish between a</p> <p>9 county of responsibility case worker or a county of service case</p> <p>10 worker?</p> <p>11 A. Yes.</p> <p>12 Q. So one would be able to look up the assigned</p> <p>13 transfer screen?</p> <p>14 A. Yes.</p> <p>15 Q. And both workers would show up?</p> <p>16 A. Yes.</p> <p>17 Q. And from the screen one would be able to tell who</p> <p>18 was the social worker from the county of responsibility and who</p> <p>19 is the one from the county of service?</p> <p>20 A. Yes.</p> <p>21 Q. As you understand it, they both have different</p> <p>22 responsibilities at that point?</p> <p>23 A. Yes.</p> <p>24 Q. So once a case worker is assigned in the county</p> <p>25 of service they then have the same abilities to update and</p> <p style="text-align: right;">STATE-WIDE REPORTERS (228) 432-0770</p>

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI 3 JACKSON DIVISION</p> <p>4 OLIVIA Y., ET AL PLAINTIFFS 5 VS. CIVIL ACTION NO. 3:04CV251LN 6 HALEY BARBOUR, ET AL DEFENDANTS</p> <p>7</p> <p>8</p> <p>9</p> <p>10 DEPOSITION OF ROBERT HAMRICK</p> <p>11 Taken at Bradley Arant Rose & White, 12 188 East Capitol Street, Suite 450, 13 Jackson, Mississippi, on Monday, 14 June 20, 2005, beginning at 8:30 a.m.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 REPORTED BY:</p> <p>20 CELESTE O. WERKHEISER, RMR 21 State-Wide Reporters 22 4400 Old Canton Road 23 Suite 160 (39211) 24 Post Office Box 14113 25 Jackson, Mississippi 39236 Telephone: (601) 366-9676 Fax: (601) 366-9756 www.legalink.com</p>	<p style="text-align: right;">Page 3</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by 3 and between the parties hereto, through their 4 respective attorneys of record, that this 5 deposition may be taken at the time and place 6 hereinbefore set forth, by Celeste O. 7 Werkheiser, Registered Merit Reporter and Notary 8 Public, pursuant to the Federal Rules of Civil 9 Procedure, as amended;</p> <p>10 That the formality of READING AND 11 SIGNING is specifically NOT WAIVED;</p> <p>12 That all objections, except as to the 13 form of the questions and the responsiveness of 14 the answers, are reserved until such time as 15 this deposition, or any part thereof, may be 16 used or is sought to be used in evidence.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 ERIC E. THOMPSON, ESQUIRE 3 MARCIA LOWRY, ESQUIRE Children's Rights, Inc. 4 404 Park Avenue South New York, New York 10016 5 Telephone: (212) 683-2210 Fax: (212) 683-4015</p> <p>6 ATTORNEYS FOR PLAINTIFFS</p> <p>7 RUSTY FORTENBERRY, ESQUIRE 8 McGlinchey Stafford, PLLC 200 South Lamar Street 9 Suite 1100 Jackson, Mississippi 39201 10 Telephone: (601) 960-8400 Fax: (601) 960-8431</p> <p>11 ATTORNEY FOR DEFENDANTS</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 T-A-B-L-E O-F C-O-N-T-E-N-T-S</p> <p>2 Examination By: Page 3 Mr. Thompson.....5</p> <p>4</p> <p>5 Stipulation.....3</p> <p>6</p> <p>7 Exhibits:</p> <p>8 No. 81 Foster Care Review Board's Report...36</p> <p>9 No. 82 Periodic Administrative Determination on Foster Children...47</p> <p>10 No. 83 Issues Observed - Comparison Report Foster Care Review - FY 2004.....86</p> <p>11 No. 84 MDHS Division of Family & Children's Services - Individual Service Plan..94</p> <p>12 No. 85 Foster Care Review - Summary Report - Issues in Foster Children's Cases..101</p> <p>13 No. 86 MDHS - Family & Children's Services - Memo dated 6-17-03.....111</p> <p>14 No. 87 Foster Care Review - Summary Report - Issues in Foster Children's Cases..114</p> <p>15 No. 88 Page 2 of 2.....120</p> <p>16 No. 89 Foster Care Review - Summary Report - Issues in Foster Children's Cases..126</p> <p>17 Certificate of Court Reporter.....140</p> <p>18 Witness Signature Page.....141</p>

<p style="text-align: right;">Page 5</p> <p>1 ROBERT HAMRICK 2 having been first duly sworn, was 3 examined and testified, as follows: 4 EXAMINATION 5 BY MR. THOMPSON: 6 Q. Good morning, Mr. Hamrick. 7 A. Morning. 8 Q. Mr. Hamrick, would you state your 9 full name, please, for the record? 10 A. Robert Andrew Hamrick. 11 Q. Mr. Hamrick, my name is Eric 12 Thompson. This is attorney Marcia Lowry. We 13 represent the plaintiffs in the matter of Olivia 14 Y. v. Barbour. Do you understand that you're 15 here today to give sworn testimony in that 16 matter? 17 A. Yes. 18 Q. Mr. Hamrick, did you review any 19 documents in preparation for this deposition? 20 A. No. 21 Q. Could you state what your position is 22 with DHS, please? 23 A. My title is Program Administrator 24 Senior over the state's Foster Care Review 25 Program.</p>	<p style="text-align: right;">Page 7</p> <p>1 in your current position? 2 A. Two years and five months. 3 Q. And before assuming your current 4 position, were you employed by DHS? 5 A. Yes, sir. 6 Q. And what position did you have 7 immediately preceding your current position? 8 A. I was Social Worker Advanced with the 9 Foster Care Review Program. 10 Q. And did that entail being a Foster 11 Care Reviewer? 12 A. Yes, sir. 13 Q. And how long were you a Foster Care 14 Reviewer for? 15 A. Since 1993. So it would have been, I 16 guess, about 10 years. 17 Q. Were you previously employed by DHS 18 before assuming the position of Foster Care 19 Reviewer? 20 A. Yes. 21 Q. And what position did you have? 22 A. I was a county social worker in 23 Newton County and Scott County. 24 Q. Are those both in the same DFCS 25 region?</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Before we get into more questions, 2 have you ever been in a deposition before? 3 A. No. 4 Q. Let's talk about a few basic ground 5 rules. I'll be asking you questions. I'll need 6 you to verbalize your response so the court 7 reporter can take everything down instead of 8 nodding or saying uh-huh. 9 A. Okay. 10 Q. If at any time my question is 11 unclear, please let me know. I'll try and 12 rephrase it so that you can answer it. 13 A. Okay. 14 Q. And this is not an endurance contest. 15 So if you need to take a break just let me know 16 and we'll do that as long as there is not a 17 question pending. 18 A. Okay. 19 MR. FORTENBERRY: 20 Eric, just for the record, we reserve 21 all objections until the time of trial except as 22 to form, just for the record. 23 MR. THOMPSON: 24 Yes, that's fine. Thank you. 25 Q. Mr. Hamrick, how long have you been</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Back then, I believe they were. Now 2 they're not, but back then they were. 3 Q. How long were you a county social 4 worker for? 5 A. I believe five years. I started in 6 December of 1987 with the agency. 7 Q. Previous to that had you worked at 8 all in any social work field? 9 A. No, sir. 10 Q. Could you tell me what undergraduate 11 degrees you have? 12 A. I have a bachelor's degree in 13 Business Administration from University of 14 Southern Mississippi. 15 Q. Do you have any advanced degrees? 16 A. No, sir. 17 Q. As Program Administrator Senior of 18 the Foster Care Review Program, what are your 19 general responsibilities? 20 A. I supervisor 11 Foster Care Reviewers 21 throughout the state who are responsible for 22 reviewing the cases of children in foster care 23 every six months. And as they complete their 24 reviews and reports they send them in. Of 25 course, I review them and there's statistical</p>

<p style="text-align: right;">Page 49</p> <p>1 addressed in the comments?</p> <p>2 A. No.</p> <p>3 Q. And is there any requirement that</p> <p>4 DHS's efforts to achieve the permanent plan be</p> <p>5 addressed in the comments?</p> <p>6 A. It's no requirement, no.</p> <p>7 Q. Do you see on Exhibit 82 a comment</p> <p>8 for number 13 that the placements listed in</p> <p>9 MACWIS for each child do not appear to be</p> <p>10 correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is the accuracy of MACWIS entries an</p> <p>13 ongoing issue at DHS?</p> <p>14 A. Not all MACWIS entries. There's some</p> <p>15 information that is -- where it's been a</p> <p>16 problem. Placements is one of them. Well --</p> <p>17 and it's not statewide or anything like that. I</p> <p>18 don't mean to say that it's a statewide problem.</p> <p>19 Q. Well, besides placements, are there</p> <p>20 any other data fields that have been problematic</p> <p>21 in terms of accuracy?</p> <p>22 A. Medical information, psychological</p> <p>23 information. Again, not in every county in the</p> <p>24 state, but in some areas there's information</p> <p>25 lacking in certain fields of MACWIS.</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Primarily Region 6 North, Forrest</p> <p>2 County. And Region 6 South, Harrison and</p> <p>3 Hancock.</p> <p>4 Q. And does that include the accuracy of</p> <p>5 placement data?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Does it include the accuracy of entry</p> <p>8 of the custody dates?</p> <p>9 A. That's been reported a time or two.</p> <p>10 It's nothing that the reviewers focus on too</p> <p>11 much. They're more concerned with what happens</p> <p>12 after they come into custody as opposed to when</p> <p>13 a date got entered into -- like when a custody</p> <p>14 got entered into a system. But they have --</p> <p>15 reviewers have reported it to me on a few</p> <p>16 occasions.</p> <p>17 Q. You base the scheduling of Foster</p> <p>18 Care Reviews, though, on the entry date into</p> <p>19 custody, correct?</p> <p>20 A. Yes.</p> <p>21 Q. So if that entry date into custody is</p> <p>22 erroneously entered or not entered into MACWIS,</p> <p>23 you would not be able to accurately schedule a</p> <p>24 case for a six-month review, is that correct?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And when you say in certain areas,</p> <p>2 are we talking about specific counties or</p> <p>3 regions?</p> <p>4 A. We produce a report each month that</p> <p>5 does show a comparison between the regions and</p> <p>6 what those issues are. And there are specific</p> <p>7 regions, areas of the state, where it's more</p> <p>8 problematic than others.</p> <p>9 Q. And what is that report?</p> <p>10 A. It's a report we call Issues Observed</p> <p>11 During Foster Care Review. It's just one --</p> <p>12 it's nothing automated. It's something I put</p> <p>13 together manually each month.</p> <p>14 Q. The issues observed include other</p> <p>15 issues besides the lack of adequate</p> <p>16 documentation, correct?</p> <p>17 A. It could, yes, sir.</p> <p>18 Q. Focusing specifically on the accuracy</p> <p>19 of MACWIS entries, are there specific counties</p> <p>20 or regions that have come to your attention as</p> <p>21 having more problems than others in the accuracy</p> <p>22 of their MACWIS data entry?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And what counties or regions are</p> <p>25 those?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Has it come to your attention that</p> <p>2 certain cases have been scheduled for reviews</p> <p>3 that were not due for review?</p> <p>4 A. What was that now?</p> <p>5 Q. Let me ask it a different way. Has</p> <p>6 it come to your attention that there have been</p> <p>7 cases that were due for reviews that were not</p> <p>8 scheduled due to erroneous MACWIS information?</p> <p>9 A. I'm sorry. I hate to be hard headed,</p> <p>10 But you're saying there's cases that have not</p> <p>11 been scheduled for a review because the</p> <p>12 information entered into MACWIS was not timely</p> <p>13 or --</p> <p>14 Q. Yes. That's my question.</p> <p>15 A. Okay. I'm sorry. Yes. Yes, that's</p> <p>16 correct.</p> <p>17 Q. And what have you done as a result of</p> <p>18 that being brought to your attention?</p> <p>19 A. Well, when we find out about them, we</p> <p>20 just try to schedule them as quickly as we can</p> <p>21 for a review. Also, we will go in, me and --</p> <p>22 I'll usually take that report I was telling you</p> <p>23 about earlier, that Children in Custody With</p> <p>24 Conference Dates More Than Six Months, I'll take</p> <p>25 that report and sit down with one of our -- one</p>

<p style="text-align: right;">Page 53</p> <p>1 of the staff persons in our state office and 2 she'll look up that information on – I don't 3 know what she calls the back end of the system, 4 I don't know what she means by that, but that's 5 what she does, and she can usually pinpoint 6 exactly what happened on those cases.</p> <p>7 So if I find that it's one where the 8 county may have been late entering information 9 into the system, I'll note it on that report 10 and send a copy of that report to the Regional 11 Director who's over that area of the state as 12 well as I'll send a copy to the reviewer because 13 they still have – I mean, even though it was 14 entered, the information was entered into the 15 system late, they still need to review it so 16 I'll tell them to go ahead and schedule it as 17 quickly as they can for review.</p> <p>18 Q. How do those cases come to your 19 attention?</p> <p>20 A. Like I said, on that printout that we 21 get each month of Children in Custody With 22 Conference Dates More Than Six Months.</p> <p>23 Q. I guess my question is more the ones 24 that have not been scheduled because there was 25 erroneous MACWIS information, how do those cases</p>	<p style="text-align: right;">Page 55</p> <p>1 reviewer overlooks them. But it's rare. It's 2 usually because of something like that.</p> <p>3 Q. So until the county enters the 4 placement date, you would have no notice as to 5 the need for a Foster Care Review, correct?</p> <p>6 A. No, sir. No, sir. Not unless the 7 county came to us and told us, you know, we took 8 this child into custody and the reviewers, you 9 know, would write it down. They do keep their 10 own separate custody listings for reasons such 11 as that. But the county has got to tell us 12 about them. If they don't tell us, we don't 13 know.</p> <p>14 Q. Besides the requirement that they 15 enter the entry date into MACWIS, though, 16 there's no requirement that they notify the 17 Foster Care Review unit of a child being taken 18 into custody, correct?</p> <p>19 A. No. Many of the individual 20 supervisors may tell them but I guess that's 21 just on a county by county basis. Some folks 22 tell us, others don't.</p> <p>23 Q. Let me show you what's been 24 previously marked Exhibit 41. Is this the Youth 25 Court Hearing and Review Summary that you</p>
<p style="text-align: right;">Page 54</p> <p>1 come to your attention?</p> <p>2 A. We must not be talking about the same 3 thing because that's how I find out about them 4 is that report I was telling you about.</p> <p>5 Q. Let me just back up then. The 6 report, though, as I understand it is generated 7 by MACWIS, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so the dates that it tracks are 10 based on the entry dates that have been entered 11 into MACWIS, correct?</p> <p>12 A. Yeah. What they do is, let's say a 13 child comes into custody January 1st, maybe the 14 county doesn't get around to entering that 15 custody date into the system until August 15th, 16 you know, eight months has done passed. MACWIS 17 will pick up on that, they'll notice that 18 custody date from back in January and they'll 19 notice there's – no Foster Care Review action 20 had been taken on it. So the system doesn't 21 know, it just reports that there was no Foster 22 Care Review done.</p> <p>23 So then that's when I go to our 24 person in the Administration Unit and we look it 25 up and see what happened. Sometimes the</p>	<p style="text-align: right;">Page 56</p> <p>1 previously testified to?</p> <p>2 A. Yes, sir.</p> <p>3 Q. If you would turn to the third page, 4 which begins part B.</p> <p>5 A. Okay.</p> <p>6 Q. Is part B the section that's filled 7 out by the Foster Care Reviewer?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Is the reviewer required to list all 10 the persons invited to the Foster Care Review?</p> <p>11 A. Are you looking at 106?</p> <p>12 Q. Yes.</p> <p>13 A. MACWIS automatically populates those 14 names onto that particular page. The social 15 worker will go in and select who is to be, you 16 know, who all is to be invited and MACWIS will 17 automatically populate them on there. And then 18 the reviewer, on the next page, on 107, the 19 reviewer goes in and lists who actually showed 20 up, persons who attended.</p> <p>21 Q. If you turn to page 108, is this 22 where -- well, first of all, is the Foster Care 23 Reviewer required to fill out the text in answer 24 to each one of these questions?</p> <p>25 A. Yes, sir.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. Turn to page 28 of Exhibit 79, 2 please. First sentence states that the Foster 3 Care Review Program supervisor is housed at the 4 state office and supervises 12 Foster Care 5 Reviewers. Has this in fact changed in terms of 6 the number of Foster Care Reviewers since this 7 was prepared?</p> <p>8 A. No. We only have 11. We had a 9 secretary which made it 12. I don't know. No. 10 We only have 11 reviewers.</p> <p>11 Q. Have you ever had 12 Foster Care 12 Reviewers?</p> <p>13 A. Not that I'm aware of. I don't know. 14 Maybe I need to go back and recount. Yes. I'm 15 sorry. That's correct, 12.</p> <p>16 Q. So when we had previously gone over 17 Exhibit 34 at DHS 019706 and listed the 18 applicable Foster Care Reviewer positions --</p> <p>19 A. There's 12 but one of them has 20 retired so there's 11 right now.</p> <p>21 Q. But you have 12 PINs?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And as we had gone through the list 24 we had identified 11 in 11 different county 25 offices. Do you recall what the 12th county</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. So here on page 28 of Exhibit 79, 2 does that appear to be an error when it says 3 that you supervise 12 Foster Care Reviewers?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do the Foster Care Reviewers in 6 addition to the six-month periodic reviews 7 review randomly sampled cases on a periodic 8 basis?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And what's the purpose of that 11 review?</p> <p>12 A. It's kind of a quality assurance 13 review. It's something we're going to be doing.</p> <p>14 Q. Are you currently doing it?</p> <p>15 A. Yes, sir. Just not on the scale that 16 we intend to do it.</p> <p>17 Q. Well, since when have the Foster Care 18 Reviewers been doing any kind of additional 19 quality assurance sample case reviews?</p> <p>20 A. Probably August, 2003, I believe.</p> <p>21 Q. And do you know why those were 22 initiated?</p> <p>23 A. The intent was, we were trying to 24 prepare to get ready for the Child and Family 25 Services Review. And we thought if we could go</p>
<p style="text-align: right;">Page 74</p> <p>1 office assignment is?</p> <p>2 A. Can I use a pen? I have to write 3 this stuff down. Let's see. Okay. I'm having 4 a hard time here.</p> <p>5 Q. Referring to 019706, you had 6 identified that there was no assignment to 7 Marion County.</p> <p>8 A. No. There's not.</p> <p>9 Q. There was only one as to Hinds 10 County, correct?</p> <p>11 A. Correct.</p> <p>12 Q. You had identified an addition to the 13 list reflected here, one assigned to Forrest 14 County and one to Greenville.</p> <p>15 A. Yes.</p> <p>16 Q. By my count that totals 11.</p> <p>17 A. That's 11, yeah. I sat here and did 18 it on my hand. I figured it up as well. But 19 it's 11. I'm sorry.</p> <p>20 Q. And so is your testimony that you 21 have 11 PINs or 12 PINs?</p> <p>22 A. It's 11.</p> <p>23 Q. And to your knowledge, has it been 11 24 since you've been head of the program?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 76</p> <p>1 out and review some of these cases in a format 2 similar -- we weren't real familiar with the 3 Child and Family Services Review at that time. 4 And what we ended up doing was nothing like the 5 Child and Family Services Review was, but, you 6 know, we thought we were doing something good 7 there.</p> <p>8 But the intent was to hopefully try 9 to, you know, prepare the counties for the 10 review, to kind of give them an idea of what 11 they're going to be reviewed on and how they 12 could, you know, kind of improve their case work 13 as a result.</p> <p>14 Turns out that the reviews we were 15 doing were nothing like what the Child and 16 Family Services Review was. It was more of a 17 souped up Foster Care Review. Just kind of more 18 of a compliance thing. But since the Child and 19 Family Services Review has happened, we've 20 learned a lot more about those kind of reviews 21 and have since adjusted our approach to it, 22 which will be implemented next month.</p> <p>23 Q. With the original reviews, did you 24 have a set instrument, standard instrument, case 25 review instrument that the reviewers were using?</p>

<p style="text-align: right;">Page 77</p> <p>1 A. Yes, sir. 2 Q. Was that the same or similar to the 3 quality improvement instruments that were 4 created for the previous quality improvement 5 program? 6 A. No, sir, it wasn't similar. 7 Q. Who developed those instruments? 8 A. Me, along with a couple of the 9 reviewers, and a consultant that was working 10 with the agency at the time. 11 Q. And beginning in August, 2003, how 12 many cases were being reviewed? 13 A. With this particular review 14 instrument? 15 Q. Yes. 16 A. We were doing a sample of five cases 17 per month per region. 18 Q. Was the data that was compiled 19 through this review process aggregated in any 20 way? 21 A. Yes, sir. We compiled a quarterly 22 report and forwarded it on to senior management, 23 the Division Director, the Unit Directors, and 24 the Regional Directors each quarter. 25 Q. Was there an annual report as well?</p>	<p style="text-align: right;">Page 79</p> <p>1 Well-being questions apprised pretty 2 much of, you know, if their medical needs were 3 being met, psychological, mental health needs, 4 educational needs. And then we would also 5 collect information on county conference 6 notification. 7 Q. And the quarterly reports reflected 8 aggregate data on those issues? 9 A. Yes, sir. On those and other -- I 10 can't think of all of them off the top of my 11 head but that's -- yes, sir. 12 MR. THOMPSON: 13 Rusty, I don't believe these 14 documents have been produced and would be 15 directly responsive to plaintiff's previous 16 document request. I would state for the record 17 that we would request those be produced. 18 MR. FORTENBERRY: 19 Let me check into it. Also I think 20 there were a couple the other day. Can you just 21 as a part of that letter fax something? 22 MR. THOMPSON: 23 We will follow up with a written 24 letter request. 25 MR. FORTENBERRY:</p>
<p style="text-align: right;">Page 78</p> <p>1 A. Just what we did in the fourth 2 quarter we would total up, at the end of the 3 year we would total up all the numbers and so 4 forth and present it along with the fourth 5 quarter report. 6 Q. And what kind of data was aggregated 7 in these quarterly reports? 8 A. Oh, we would look to see -- focus 9 primarily on safety, permanency, and well-being 10 issues. Looking to see if the child -- since we 11 do just review foster care cases, we were 12 looking to see if any children were being 13 mistreated or if there were any allegations that 14 a child was being mistreated in foster care or 15 while they were in agency custody. And if so, 16 did the agency take proper steps to resolve the 17 matter. 18 Permanency questions, things like 19 were the children's individualized service plans 20 developed and approved in a timely manner, if 21 they had a permanent plan on their case plans, 22 if they had been in custody 15 or 22 months and, 23 if so, had a TPR referral been forwarded and if 24 not were there compelling reasons for not doing 25 so.</p>	<p style="text-align: right;">Page 80</p> <p>1 Fax it to me. 2 A. I was going to further add, after the 3 Child and Family Services Review was over with, 4 I mean, the instrument we were using was -- it 5 became obvious it was obsolete. It was not what 6 we needed to be using. I requested that we not 7 use it anymore. So there was a period of a 8 couple of months where it was not being used but 9 then one of the deputies asked that we continue 10 using it again so we started it back up. I 11 believe that was in October of 2004. 12 MR. THOMPSON: 13 Q. In October of 2004 is when you 14 started using it again? 15 A. We started using it back again, yes, 16 sir. 17 Q. And that was after how many months of 18 not using it? 19 A. Probably about two or three months. 20 Q. And is that because none of these 21 reviews were occurring or were you using a 22 different instrument? 23 A. They just weren't occurring. We 24 stopped using it and it was just something we 25 started doing on our own, I guess. It was one</p>

<p style="text-align: right;">Page 105</p> <p>1 notate it.</p> <p>2 Q. Would the frequency of this issue 3 being noted be reflected in the detailed 4 attachments that you've testified exist as to 5 Exhibit 83?</p> <p>6 A. No. This particular document 7 doesn't. In 83, it doesn't break it down or 8 anything by the issues. It just says how many 9 were reviewed and -- how many cases were 10 reviewed and how many of those cases had issues. 11 This here is what we used to break it down with.</p> <p>12 Q. So as I understand your testimony, 13 Exhibit 83 as it is before you here is just an 14 aggregate summary of number of cases reviewed 15 and those that had issues flagged, correct?</p> <p>16 A. Repeat the question? I'm sorry.</p> <p>17 Q. Sure. As I understood your previous 18 testimony, attached to Exhibit 83, not before 19 you, but as you maintain it in your office, is 20 additional detailed information that breaks down</p>	<p style="text-align: right;">Page 107</p> <p>1 produces a report by -- it goes by county of 2 face-to-face contacts.</p> <p>3 MR. THOMPSON:</p> <p>4 Rusty, just for the record, again, I 5 believe the reports as to itemized issues by 6 region produced by the Foster Care Review 7 Program have not been produced and would be 8 responsive to specific requests by plaintiffs. 9 I ask that that be produced.</p> <p>10 MR. FORTENBERRY:</p> <p>11 All right. If you'll give me a 12 letter summarizing the various --</p> <p>13 MR. THOMPSON:</p> <p>14 I will.</p> <p>15 Q. Looking back at Exhibit 85, once you 16 produced this document, does it then go back to 17 the county for a response?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Who do you transmit the form to in 20 the region or county?</p> <p>21 A. I send it to the Division Director 22 who then sends it out to the region with a memo 23 attached with his -- at this time I'm saying 24 his -- with his signature or initials on it. 25 And then it goes out to the regions.</p>
<p style="text-align: right;">Page 106</p> <p>1 some of the summary information at Exhibit 83 in 2 terms of counties and issues?</p> <p>3 A. Yes, sir. Right here. On this 4 document right here it breaks it down by county 5 and by issue here.</p> <p>6 Q. And for the record you're referring 7 to 85?</p> <p>8 A. Yeah. Exhibit 85. Yes, sir.</p> <p>9 Q. Is the information in Exhibit 85 in 10 any way further aggregated by, for example, 11 issue type in any form?</p> <p>12 A. We recently began breaking it down by 13 issue. Not by county, but we did recently begin 14 doing it by issue and by region in data form.</p> <p>15 Q. And is that a manual report --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- that your office produces?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And what do you call that report?</p> <p>20 A. Itemized Issues Observed.</p> <p>21 Q. And from that report, can one then 22 determine the frequency of the lack of 23 documented face-to-face contact in any given 24 county or region?</p> <p>25 A. In region, yes, sir. MACWIS also</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And is a response then required?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And within how much time is a 4 response required?</p> <p>5 A. 30 days.</p> <p>6 Q. And to whom is that response required 7 to be submitted?</p> <p>8 A. The cover memo says they're to submit 9 it back to the state office. They usually send 10 it to both me and the Division Director.</p> <p>11 Q. As to any responses that are 12 generated, do they eventually all come to your 13 attention?</p> <p>14 A. The responses are kept on file in my 15 office.</p> <p>16 Q. So whether they're actually submitted 17 to the Division Director or some place else, you 18 eventually get them all, correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Now, as to Exhibit 85, I don't see 21 any county or regional staff response documented 22 here. Do you in fact get responses on all cases 23 flagged on these Summary Report issues in foster 24 children's cases?</p> <p>25 A. I'm not sure I understand what you're</p>

Mechille Henry - 09/09/04

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y, By and
Through Her Next Friend,
James D. Johnson, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV25LN

HALEY BARBOUR, As Governor
Of the State of Mississippi;
DONALD TAYLOR, as Executive
Director of the Department of
Human Services; and BILLY MANGOLD,
As Director of the Division of
Children's Services

DEFENDANTS

DEPOSITION OF MECHILLE HENRY

Taken at the instance of the Plaintiffs at the
offices of Bradley Arant, LLP, One Jackson Place,
188 E. Capitol Street, Suite 450, Jackson,
Mississippi, on Thursday, September 9, 2004,
beginning at approximately 1:00 p.m.

APPEARANCES:

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Mechille Henry - 09/09/04

2 (Pages 2 to 5)

Mechille Henry - 09/09/04

	Page 114		Page 116
1 A.	Not every case, no.	1 your region?	
2 Q.	Have you done a sample of cases?	2 A.	Probably at least 600.
3 A.	Yes, I have.	3 Q.	How many investigations do you receive a
4 Q.	And you've reviewed that specific	4 year in your region?	
5 compliance with that specific requirement?		5 A.	I don't know.
6 A.	I've reviewed, you may as well say I have	6 Q.	Well, do you ever review data as to that
7 taken some cases and I have reviewed everything that		7 number?	
8 is required in that particular, in a foster care		8 A.	I more review the investigations
9 case.		9 themselves or the other components of it as opposed	
10 Q.	Which would include then your review of	10 to the total number.	
11 whether or not the child received the medical		11 Q.	Well, do you think it would be relevant
12 examination within seven days of entering custody?		12 to know the total number in terms of whether or not	
13 A.	Right. I would look at the medical part.	13 your staff is in fact able to cover the number of	
14 If it's not completed, then what I used to do would		14 cases that are coming in?	
15 be to do a screen print of that particular tab or		15 A.	That's more, I look at that more on a, as
16 whatever you want to call it, screen. And		16 opposed to a annual total number or anything like	
17 basically, I would fax it or mail it to the		17 that. I look at that more with staffing with my	
18 supervisor and say that this information needs to be		18 supervisors, or if I'm looking at the log for a	
19 completed.		19 month. You know, believe me, when it comes to	
20 Q.	You say you used to do that. Do you no	20 staffing issues, my supervisors keep me well aware	
21 longer do that?		21 of when they need some staff, believe me, or when	
22 A.	When I say I used to, what I'm saying is	22 they are getting a lot of investigations, or if	
23 that when I was required to go to court sometimes		23 there are some, you know, they keep me aware of	
24 two days out of a week, and now I'm having to attend		24 issues.	
25 another court thing that's a half a day a week. I		25 Q.	And how do they do that?
	Page 115		Page 117
1 don't review as frequently, but I have been at work		1 A.	Call me. And I see them.
2 at 11 o'clock and midnight, a couple of weeks ago,		2 Q.	Have you ever received any memos from
3 2 a.m. and 5 a.m. in order to get some things done		3 your staff as to the staffing conditions and case	
4 that needed to be done. So what I'm saying is I		4 loads?	
5 don't do them as a magnitude as I used to because of		5 A.	I've received one recently where they
6 the time, well, the time consumption that I have.		6 were requesting that if at all possible, they be	
7 Q.	Do you have any other D H S staff who	7 able to hire another social worker. And I asked	
8 function in a quality assurance role to review cases		8 them did they have anyone that was interested. And	
9 for compliance with policy and law?		9 they said that they did, so I forwarded the memo	
10 A.	Our foster care reviewers.	10 along with the application to my state office.	
11 Q.	And is there currently a foster care	11 Q.	Have you ever communicated to your
12 reviewer assigned to your county?		12 superiors the need in your region or any particular	
13 A.	Yes.	13 counties in your region for additional staff?	
14 Q.	Is there more than one?	14 A.	Yes, I mean, we all, we tell them that we
15 A.	There is. They cross regions, so you may	15 would like to have, I mean, that's ultimate, you	
16 have one only in your region. You may have two or		16 would want to have more staff. You know, because if	
17 three in your region.		17 just, just be, say for instance, if you had an	
18 Q.	And in your region, how many do you have?	18 office where there were five people and people were	
19 A.	Approximately four.	19 working and they would want their jobs, you know,	
20 Q.	And are they solely, those four solely	20 they would love to have five more people to come in	
21 responsible for cases within your region?		21 and take some of the work.	
22 A.	They're responsible for, they may be	22 So yes, I mean, I have asked, you know,	
23 responsible for some cases in another region, too,		23 that we could get additional staff across the	
24 I'm not sure.		24 region, even for those counties where there is	
25 Q.	How many foster care cases do you have in	25 probably people with not a whole lot of work. That	

30 (Pages 114 to 117)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 JACKSON DIVISION

Page 1

4 OLIVIA Y., ET AL

PLAINTIFFS

5 VERSUS

CIVIL ACTION NO. 3:04CV251LN

6 HALEY BARBOUR, ET AL

DEFENDANTS

7

8

9

10 DEPOSITION OF LINDA MILLSAPS

11

12 Taken at Bradley, Arant,
13 Rose & White,
14 Jackson, Mississippi, on
15 Thursday, June 2, 2005,
16 beginning at 12:50 p.m.

17

18

19

20 REPORTED BY:

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1 A. In 4, Region 4, in Laurel.		1 A. Phoebe Clark.	
2 Q. I'm sorry. In Laurel?		2 Q. How long have you had your position?	
3 A. In Laurel, uh-huh.		3 A. I'm currently -- it's three years.	
4 Q. And that's the Laurel county office?		4 I've been with the department longer, but in	
5 A. Exactly. Jones County.		5 this position, I've been in it approximately	
6 Q. Okay. And as a program administrator		6 three years.	
7 for the adoption unit, what are your job		7 Q. And prior to this position, were you	
8 responsibilities?		8 working in adoptions?	
9 A. Okay. I am responsible for overseeing		9 A. Yes, I was. An adoption specialist.	
10 the children that's legally free for adoption in		10 Q. As an adoption specialist?	
11 the Southern District; myself, along with the		11 A. Uh-huh.	
12 staff.		12 Q. Also in the Southern Region?	
13 Q. Any other job responsibilities?		13 A. Exactly.	
14 A. That's the main responsibility.		14 Q. Since you've held your current	
15 Q. Does that include recruiting for		15 position, have you always reported to	
16 adoptive families?		16 Phoebe Clark?	
17 A. It does.		17 A. No, I haven't.	
18 Q. Does it include doing home studies on		18 Q. How long have you been reporting to	
19 potential adoptive families?		19 Phoebe Clark for?	
20 A. Yes.		20 A. Approximately two years.	
21 Q. And, if you know, how many children		21 Q. So for the past two years, she has	
22 are currently legally free in the Southern		22 been the director of the adoption unit?	
23 Region?		23 A. Exactly.	
24 A. Currently, we have approximately 200.		24 Q. The six adoption specialists that you	
25 Q. Do those children still have a		25 currently supervise, do you have any other PIN	
	Page 7		Page 9
1 caseworker assigned to them?		1 positions allocated for adoption specialists in	
2 A. Yes, they do.		2 the Southern Region?	
3 Q. And that's separate from the adoption		3 A. One.	
4 staff, correct?		4 Q. One additional one?	
5 A. It is.		5 A. Uh-huh.	
6 Q. Do the caseworkers continue to have		6 Q. And that is a vacant position?	
7 all their regular duties to monitor the safety		7 A. It's vacant.	
8 and services provided to those children that		8 Q. How long has that position been	
9 they are assigned to?		9 vacant?	
10 A. Yes.		10 A. I'd say approximately a year.	
11 Q. Do you have staff that you supervise?		11 Q. Do you know if there are any current	
12 A. Yes, I do.		12 efforts to fill that position?	
13 Q. And what kind of staff do you		13 A. Not to my knowledge.	
14 supervise?		14 Q. Do you know why not?	
15 A. Adoption workers, specialists.		15 A. Not to my knowledge. I mean, I	
16 Q. Those are what are known as adoption		16 requested to fill the vacant PIN, and I was just	
17 specialists?		17 told they're not gonna fill it right now.	
18 A. Uh-huh, exactly.		18 Q. And that's somebody in the state	
19 Q. How many do you have in the Southern		19 office who told you that?	
20 Region?		20 A. My supervisor.	
21 A. We currently have six.		21 Q. What, specifically, are the	
22 Q. And who do you report to directly?		22 responsibilities of the adoption specialists?	
23 A. The program administrator senior in		23 A. They are responsible for locating a	
24 the state office.		24 permanent home for the children that's legally	
25 Q. And who is that?		25 free for adoption.	

<p style="text-align: right;">Page 50</p> <p>1 Q. And you could cross-check that report 2 against the workload report that you receive 3 from MACWIS; is that correct? 4 A. Yes. I can. I can. 5 Q. And just to confirm, the workload 6 report you testified to earlier is also a MACWIS 7 report? 8 A. It is. 9 Q. And is that workload report generated 10 on a monthly or quarterly basis? 11 A. No, it's not. 12 Q. Is it an ad hoc report? 13 A. You mean -- explain -- what do you 14 mean by that? 15 Q. I guess what I'm asking is, is the 16 workload report generated on a periodic or 17 regular basis, or is it generated upon request? 18 A. I mean, it's reviewed on the screen 19 daily. I mean, just -- 20 Q. I see. You can pull up the workload 21 report on the screen? 22 A. Yeah. Yeah. 23 Q. You don't have to request the state 24 office to send you a printout of the workload 25 report?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes, I do. 2 Q. And how often do you create this 3 report? 4 A. Quarterly. 5 Q. Do the adoption specialists have any 6 written policies that they can refer to 7 regarding the home study process? 8 A. Yes, they do. 9 Q. And where would those policies be? 10 A. They are located in the agency's 11 policy manual. 12 Q. Is there anyplace else besides the DHS 13 policy manual that would spell out criteria for 14 selecting an adoptive home for a child? 15 A. Yes. We have a concise guide that we 16 compiled, the administrators did. They'd have 17 that information to use. 18 Q. And this guide, does it have a name? 19 A. No, it doesn't. 20 Q. What is the subject matter of this 21 guide? 22 A. I don't understand what -- 23 Q. You stated that there's a guide that's 24 been compiled by some of the administrators? 25 A. Like, it's -- it's just a notebook,</p>
<p style="text-align: right;">Page 51</p> <p>1 A. No, I don't. 2 Q. Do you, in fact, print out the 3 workload report? 4 A. No, I don't. 5 Q. So you would have no paper copies of 6 this workload report? 7 A. No, I don't. Other than manually. 8 Q. I'm sorry? 9 A. Manually. I have a manual report. 10 Q. In other words, a report that's 11 created manually? 12 A. Exactly. 13 Q. And is that something you create? 14 A. Yes, I did. 15 Q. And what is on the manual report as 16 opposed to the MACWIS workload report? 17 A. Basically, the same information. 18 Q. And this manual report is something 19 that you maintain in your office? 20 A. I do. 21 Q. Do you maintain that in a separate file? 22 A. Yes, I do. 23 Q. And do you create this workload report 24 on any specific periodic basis?</p>	<p style="text-align: right;">Page 53</p> <p>1 for example, if you -- like the home study -- it 2 has the home study process, what information to 3 put in the home study. 4 Q. And how is this guide maintained or 5 distributed to staff? 6 A. It's updated as needed, staff meetings. 7 Q. Is this a guide that's then available to the adoption specialists to consult? 8 A. Yes, it is. 9 Q. Okay. And do they each have a copy of this guide? 10 A. They do. 11 Q. And does the guide principally, then, 12 address the process and criteria for selecting an adoptive home? 13 A. No, it doesn't. 14 Q. What does it principally address? 15 A. Just the assessment, the home study assessment itself, the child evaluation of the child. 16 Q. Would it be fair to characterize this as an adoption specialist's guide? 17 A. Just a guide. I mean -- 18 Q. Is it a guide that's designed to</p>

14 (Pages 50 to 53)

1 IN THE UNITED STATES DISTRICT COURT

Page 1

2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

3 JACKSON DIVISION

4

5 OLIVIA Y., et al.

PLAINTIFFS,

6

7 VS.

CIVIL ACTION NO. 3:04CV251LN

8

9 HALEY BARBOUR, et al.

DEFENDANTS.

10

11 30(b) (6) DEPOSITION OF NANCY MEADORS

12

13 Taken at the offices of Bradley, Arant, Rose & White, LLP,
14 on Tuesday, May 16, 2005, beginning at 8:40 A.M.

15

16

17

18 REPORTED BY:

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1	ERIC E. THOMPSON, ESQUIRE		It is hereby stipulated and agreed by and between the	
2	TARA S. CREAN, ESQUIRE		parties hereto, through their respective attorneys of record,	
3	Children's Rights		that this deposition may be taken at the time and place	
4	404 Park Avenue South		hereinbefore set forth, by Rebecca A. Kidder, Court Reporter and	
5	New York, New York 10016		Notary Public, pursuant to the Mississippi Rules of Civil	
6	Telephone: 212.683.2210		Procedure, as amended;	
7	Fax: 212.683.4015		That the formality of READING AND SIGNING is	
8	ATTORNEYS FOR PLAINTIFFS		specifically NOT WAIVED;	
9	BETTY A. MALLETT, ESQUIRE		That all objections, except as to the form of the	
10	McGlinchey Stafford, PLLC		questions and the responsiveness of the answers, are reserved	
11	Skytel Centre South, Suite 1100		until such time as this deposition, or any part thereof, may be	
12	200 South Lamar Street		used or is sought to be used in evidence.	
13	Jackson, Mississippi 39201		—	
14	Telephone: 601.960.8424			
15	Fax: 601.960.8431			
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	T-A-B-L-E O-F C-O-N-T-E-N-T-S	Page 3	NANCY MEADORS	Page 5
1	Examination By:	Page	having been first duly sworn, was	
2	MR. THOMPSON	5	examined and testified as follows:	
3	Exhibits:			
4	43: excerpt w/ case reporting requirements	12		
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			STATE-WIDE REPORTERS (228) 432-0770	

<p>1 would fill out?</p> <p>2 A. Yes.</p> <p>3 Q. Is a case worker able to make entries on a</p> <p>4 child's MACWIS case record without being the assigned case</p> <p>5 worker identified in the system?</p> <p>6 A. They could add a narrative to the case.</p> <p>7 Q. Are they able to make any sort of any other data</p> <p>8 entries that are required of the ongoing case worker? Let me</p> <p>9 ask you a specific example. Would someone, other than the</p> <p>10 assigned case worker, be able to input updated information as to</p> <p>11 the child's placement, for example?</p> <p>12 A. No.</p> <p>13 Q. It would have to be the assigned case worker or</p> <p>14 the supervisor?</p> <p>15 A. Yes.</p> <p>16 Q. So a social work aid or SWA could not make those</p> <p>17 types of entries; correct?</p> <p>18 A. No.</p> <p>19 Q. Likewise, for a homemaker for example?</p> <p>20 A. No.</p> <p>21 Q. Both a homemaker and a SWA could make narrative</p> <p>22 entries in the case then?</p> <p>23 A. Yes.</p> <p>24 Q. In light of that, do you know how case recording</p> <p>25 is occurring in counties where there are no full-time case</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>	<p>Page 46</p> <p>1 A. They could be proxy. If there's a worker</p> <p>2 in the county, they can be proxy for that worker.</p> <p>3 Q. Can you explain what you mean by proxy?</p> <p>4 A. The supervisor and regional director have to make</p> <p>5 a request to the state office, to Ms. Saulters, for any proxy's</p> <p>6 that are put in the system. She decides, Ms. Saulters decides</p> <p>7 if it's a valid request. If it is, she enters the proxy</p> <p>8 information into the system which allows another worker to login</p> <p>9 as a proxy for the worker in the county and they have access to</p> <p>10 that worker's work load and can do work on the cases just like</p> <p>11 the case worker.</p> <p>12 Q. Are these requests for proxies made through the</p> <p>13 MACWIS system, or --</p> <p>14 A. No; paper.</p> <p>15 Q. -- is this a written request?</p> <p>16 A. Yes.</p> <p>17 Q. When a child is placed in a different county than</p> <p>18 the original county's responsibility, the county and the county</p> <p>19 office that has the child placed in their county is then</p> <p>20 responsible for certain ongoing services for the child; is that</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Hence the designation county of service?</p> <p>24 A. Yes.</p> <p>25 Q. Is a case worker in the county of service somehow</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>
<p>1 workers assigned?</p> <p>2 MS. LOWRY:</p> <p>3 I'm going to object to that.</p> <p>4 THE WITNESS:</p> <p>5 A. If there is no social worker working in the</p> <p>6 county that's assigned to the county then the regional director</p> <p>7 for that county would have another social worker from another</p> <p>8 county to fill in until a social worker was hired.</p> <p>9 MR. THOMPSON:</p> <p>10 Q. In terms of MACWIS case recording, a covering</p> <p>11 social worker would need to be formally designated then as the</p> <p>12 assigned case worker that; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Otherwise they could make any of these MACWIS</p> <p>15 entries besides narrative; is that correct?</p> <p>16 A. Right.</p> <p>17 Q. Are you aware that staff had been detailed from</p> <p>18 the state office to counties such as Forrest County for certain</p> <p>19 periods of time to assist with casework tasks there?</p> <p>20 A. Yes.</p> <p>21 Q. Would it be the same thing for those social</p> <p>22 workers regarding their ability during the time of their</p> <p>23 detailing to a county office such as Forrest County that they</p> <p>24 would need to be designated in MACWIS as the assigned case</p> <p>25 worker for cases on which they were covering?</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>	<p>Page 47</p> <p>1 assigned to that child?</p> <p>2 A. Yes.</p> <p>3 Q. Is that assignment also reflected in MACWIS?</p> <p>4 A. Yes. It's on the assigned transfer screen.</p> <p>5 Q. So the system allows for two case workers to be</p> <p>6 assigned at the same time to the child; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Does the system reflect or distinguish between a</p> <p>9 county of responsibility case worker or a county of service case</p> <p>10 worker?</p> <p>11 A. Yes.</p> <p>12 Q. So one would be able to look up the assigned</p> <p>13 transfer screen?</p> <p>14 A. Yes.</p> <p>15 Q. And both workers would show up?</p> <p>16 A. Yes.</p> <p>17 Q. And from the screen one would be able to tell who</p> <p>18 was the social worker from the county of responsibility and who</p> <p>19 is the one from the county of service?</p> <p>20 A. Yes.</p> <p>21 Q. As you understand it, they both have different</p> <p>22 responsibilities at that point?</p> <p>23 A. Yes.</p> <p>24 Q. So once a case worker is assigned in the county</p> <p>25 of service they then have the same abilities to update and</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>

Kathy Triplett.061405.txt

Kathy Triplett, 6/14/05

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
2 JACKSON DIVISION

3

4 OLIVIA Y., ET AL.,

5

PLAINTIFFS

6 vs.

NO. 3:04cv251LN

7 HALEY BARBOUR, AS GOVERNOR OF
8 THE STATE OF MISSISSIPPI, ET
AL.,

9

DEFENDANTS

10 DEPOSITION OF MS. KATHY TRIPLETT

11 Taken by the Plaintiffs at the offices of Bradley
12 Arant Rose & White located in Jackson, Mississippi
beginning at 10:00 a.m. on Tuesday, June 14, 2005.

13

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Kathy Triplett, 6/14/05

2

1

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Kathy Triplett, 6/14/05 3

1 MS. KATHY TRIPLETT,
2 having first been duly sworn, was examined
3 and testified as follows, to wit:
4 EXAMINATION BY MR. THOMPSON:
 Page 2

Kathy Triplett.061405.txt

5 Q. Good morning, Ms. Triplett.

6 A. Good morning.

7 MR. THOMPSON: Let me get this marked as
8 Exhibit 61.

9 (EXHIBIT NO. 61 WAS MARKED FOR THE RECORD.)

10 Q. (By Mr. Thompson) Let me show you what's been
11 marked Exhibit 61, which is the 30(b)(6) Notice of
12 Deposition to DHS. If you will, turn to Exhibit A of
13 that Notice. Do you understand that you're here today
14 to give sworn testimony in the matter of Olivia Y. v.
15 Barbour?

16 A. Yes, I do.

17 Q. And do you understand that you've been
18 designated to testify to the matters in Exhibit A of
19 this Notice?

20 A. Yes, I do.

21 Q. Do you, in fact, have knowledge as to the
22 matters listed in Exhibit A of the Notice?

23 A. Yes, I do have some knowledge.

24 Q. Ms. Triplett, are you still the Division
25 Director for the Protection Unit?

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Kathy Triplett, 6/14/05

4

1 A. Yes, I am.

2 MR. FORTENBERRY: Just for the record,
3 we're reserving objections, except as to the
4 form of questions?

5 MR. THOMPSON: Yes, thank you.

6 MR. FORTENBERRY: I was just making sure.

7 Q. (By Mr. Thompson) Ms. Triplett, you're
Page 3

Kathy Triplett.061405.txt

8 familiar with the policies of DHS regarding -- are you
9 familiar with the policies of DHS regarding the
10 investigation of abuse and neglect of --

11 A. Yes.

12 Q. -- children in foster care custody?

13 A. Yes.

14 MR. FORTENBERRY: Let me have this marked
15 as Exhibit 62.

16 (EXHIBIT NO. 62 WAS MARKED FOR THE RECORD.)

17 Q. (By Mr. Thompson) Let me show you what has
18 been marked as Exhibit 62. Do you recognize this to be
19 various excerpts from the DHS policy manual?

20 A. Yes.

21 Q. Just for the record, we're looking at Bates
22 DHS 00096 through 00145. If you will turn to the first
23 page regarding mandated reporters, would DHS social
24 workers be considered mandated reporters under this
25 definition?

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Kathy Triplett, 6/14/05

5

1 A. Yes.

2 Q. So, if a social worker became aware of any
3 reports or concerns regarding suspicions of abuse and
4 neglect of a child in DHS custody, would they be
5 mandated to make some report of that to the agency?

6 A. Yes.

7 Q. And would you, in fact, expect a social
8 worker with DHS to make a written report to that
9 effect?

10 A. Well, in accordance with the policy,
Page 4

3 that? Kathy Triplett.061405.txt

4 A. Yes, I do.

5 Q. In Mississippi, would that be a county, a
6 county district attorney, if you know?

7 A. It would be one of the district attorneys
8 with their judicial districts that are set up. I don't
9 know if they're referred to as county district
10 attorneys or not.

11 Q. Number five is a requirement to advise the
12 youth court; is that right?

13 A. Yes, uh-huh.

14 Q. And that would certainly apply to an
15 allegation regarding a child in DHS custody?

16 A. Yes.

17 Q. Let's skip to Bates 100. Again, as I
18 understand it, there are some provisions for lesser
19 allegations and your understanding would be that these
20 requirements would apply regardless of whether the
21 child is in DHS custody or not, correct?

22 A. I'm sorry. Which requirements?

23 Q. Up at the top, as I understand it, these are
24 provisions for lesser allegations and they are
25 requirement numbers one through three. You see that?

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0

Kathy Triplett, 6/14/05

14

1 A. Yes, yes, that is true.

2 Q. And so, just to be clear for the record, you
3 would agree that those requirements apply whether the
4 child is in DHS custody or not, correct?

5 A. Correct.

Kathy Triplett.061405.txt
6 Q. Now, when we're talking about the
7 requirements that the report would be documented,
8 currently that means documentation in MACWIS; is that
9 correct?

10 A. Yes.

11 Q. Historically, that would include some paper
12 documentation prior to the implementation of MACWIS?

13 A. Yes.

14 Q. Are you aware of any paper documentation that
15 is still required now that MACWIS has been implemented
16 regarding the reporting of suspected child abuse and
17 neglect?

18 A. For whom?

19 Q. For children in DHS custody, for example?

20 A. I mean, by staff or --

21 Q. Well, let's start with that. by staff

22 A. I'm not aware. I can't think of anything
23 that's required.

Q. Is it fair to say, though, that for third parties who are reporting child abuse and neglect that

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1 may come in to DHS in a written form?

2 A. Yes, it could

3 Q. Whether it's some correspondence or
4 facsimile, for example?

5 A. Yes

6 Q. And if there is such a report, though, you
7 would -- or the policies that that report be reflected
8 in the MACWIS system, as well?

9 A. Kathy Triplett.061405.txt
Yes, yes.

10 Q. Are you aware of any reports ever coming in
11 through DHS's website?

12 A. Yes.

13 Q. Would those be reports -- what format do
14 those reports come in? Is it e-mails?

15 A. Yes.

16 Q. Exclusively e-mail, is that how it's received
17 through the website?

18 A. I've never seen any -- I've only seen reports
19 that have come in through e-mails, through the website.

20 Q. My understanding is that the county and
21 regional staff does not have access to e-mail
22 currently; is that correct?

23 A. That's correct.

24 Q. Where would that --

25 A. Let me clarify that. It could be happening

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1 as we speak. I don't know. Because it's my
2 understanding that is being worked on currently. So,
3 to my knowledge, they still don't.

4 Q. Are you aware of where this e-mail -- who
5 would be receiving this e-mail on behalf of DHS?

6 A. When I have received reports that have been
7 passed on, they have come to me through the Management
8 Information Systems Division. That's the only way that
9 I know of those. So, I would think that that's the way
10 that all of them come in, but I don't know that. I
11 just know how I receive them when I receive them.

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12 Q. Are you the person who is designated to
13 receive those?

14 A. I have -- there is nothing that is
15 established to say that I am the person designated to
16 receive those within the office, but I have received
17 them when e-mails are often given to someone else and
18 said -- referred to someone and say do you handle this?
19 I've received them in that manner.

20 Q. Let me just make sure I understand. You said
21 the Management Information Systems function is where
22 the e-mails first come in?

23 A. Well, I'm saying that's where I've received
24 them. I don't know if that's where all of them come
25 in. The only knowledge that I have of the e-mails that

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1 have reports of abuse and neglect are reports that I
2 have personally seen and I have received from
3 Management Information Systems.

4 Q. And I'm sorry. Who's in charge of Management
5 Information Systems?

6 A. I believe his name is Bud Douglas. I'm not
7 really sure of his name. I believe he's the division
8 director for that.

9 Q. Is that a separate division within DHS?

10 A. Yes.

11 Q. It's not part of Children Family Services?

12 A. No.

13 Q. And do you get those e-mails forwarded to you
14 by e-mail?

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1 Q. What is the role of the hotline once they do
2 receive a report of abuse and neglect?

3 A. They will, at some point, enter that
4 information into the system, whether they need to seek
5 additional information first or if they have enough
6 information to enter it at that time. They then call
7 the -- our practice is to contact the county to notify
8 someone in the county office that a report has been
9 entered into MACWIS. If the system is down, we would
10 fax the information.

11 Q. Now if we're talking just about children in
12 DHS custody, they already have a MACWIS file, correct?

13 A. Of the children in custody?

14 Q. Yes.

15 A. Yes.

16 Q. In other words, they have a case record
17 that's opened on MACWIS?

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18 A. Yes.

19 Q. And is that where the hotline intake report
20 would be entered?

21 A. No. The reports, if a report of a child in
22 custody is entered by the hotline, it would still -- it
23 would be entered as a report of abuse and neglect. It
24 would go, if I'm not mistaken -- it doesn't go into the
25 child's file. If I'm not mistaken, somehow the

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1 regional directors are able to see those reports if I'm
2 not mistaken. I'm not really sure of how that happens
3 or how they see that, but it's not entered into the
4 child's case. It is attached to the child's name.

5 Q. My understanding is that we have another
6 witness later on today who is going to address MACWIS
7 issues specifically, but as I understand it, you don't
8 know exactly how this information is entered, whether
9 it's directly into the child's MACWIS case record or
10 not; is that correct?

11 A. That's correct.

12 Q. What about the county or regional level when
13 a social worker is entering information about a report
14 of suspected abuse and neglect? Where does that get
15 entered?

16 A. As far as being entered into the system?

17 Q. Yes.

18 A. Any report of abuse and neglect would be
19 expected to be entered into the system. Exactly how it
20 would happen in each county office, I don't know.

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23 Q. (By Mr. Thompson) Now under agency employees
24 at No. 2, there's a note that the regional director
25 determines the need for a social worker from outside

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1 the county to investigate. You see that?

2 A. Yes.

3 Q. Is that, in fact, the practice within DHS for
4 special investigations?

5 A. It's my understanding that that is the
6 practice.

7 Q. As to agency homes, the section that follows,
8 are these the kinds of investigations that are now
9 labeled resource reports?

10 A. Yes.

11 Q. If you turn to page 132 at No. 4 where it
12 indicates that Family and Children's Services staff
13 will notify the Protection Unit upon receiving a report
14 that involves allegations of child abuse or neglect
15 within the following listed facilities. Do social
16 workers, in fact, directly notify the Protection Unit
17 of such allegations?

18 A. Not just social workers. Many times I'm
19 notified or we're notified by the regional directors or
20 Area Social Work Supervisors.

21 Q. But this requirement that the social work
22 staff notify you directly, is that, in fact, the
23 practice?

24 A. Yes, that is the practice.

25 Q. And how do you get notified?